

Chairman Darrell Sanderson called the meeting to order.
Recording Secretary Dianna Rogers called the roll.

Members Present: David Garnett
Patti Cross
Bob Mason
Dwayne Cook
Charles Stewart
Charles Booe
Darrell Sanderson (7)

Members Absent: Sherron Jackson
Annie Metcalf
Keith Lee
Joel Schrader (4)

There being a quorum, the meeting proceeded.

The first item of business was approval of the minutes of the meeting of July 13, 2006. Ms. Cross stated a correction should be made on page two which referred to her as "Mr." Cross. A motion was made by Mr. Sanderson and seconded by Mr. Garnett to approve the minutes with the noted correction. The motion carried unanimously.

A motion was made by Mr. Sanderson to approve the following bills, including addendums, for payment:

Edwin Logan – PC/BZA for August 2006	900.00
Dawn McDonald – PC Secretarial 7/13/06	375.00
Anna Carpenter – BZA Secretarial 8/1/06	75.00
American Consulting Engineers	10,255.20
State Journal	2,571.54
County Officials Leadership Institute	595.00
Jerry Lunsford – BZA Refund	110.00
Worldwide Printing – Labels	365.00

The motion was seconded by Mr. Garnett and carried unanimously.

Chairman Sanderson introduced new Planning Commission member Charles Stewart to the Commission.

There were no Reports of Officers. Under Standing Committees, Mr. Garnett stated the Comprehensive Plan Update Committee would be meeting on August 29 at 5:30 PM at Kentucky State University.

There were no Reports of Special Select Committees or Special Orders.

Under Staff Items, Mr. Gary Muller, City Planning Director, stated item 4 (J. T. Lunsford – Zone Map Amendment at 113 Old Soldiers Lane, from RB tgo PO) was pulled and rescheduled for next month. Mr. Muller submitted a handout that showed development occurring. Ms. Vickie Sewell, County Planning Director, had no Staff Items.

A motion was made by Mr. Garnett to suspend the rules in order to hear more than two public hearings. The motion was seconded by Mr. Mason and carried unanimously.

The first item of new business was a request, in accordance with Section 7.10.00, Modification of Standards of the Frankfort and Franklin County Subdivision and Development Plan Regulations, CRW, LLC is requesting approval of a modification in standards to permit more than 100 single family lots to utilize only one entrance, as required in Section 3.03.07 (D) of the Frankfort and Franklin County Subdivision and Development Plan Regulations.

Mr. William Johnson, Attorney, and Mr. Richard Richards were present for the applicant. Mr. Richards was present and stated they were having only one entrance because the Dept. of Transportation (DOT) would only allow one entrance. He stated they have 95 lots and added another adjacent development would have 63 lots. He stated they have a \$75,000 cash bond with DOT for turning lanes and a deceleration lanes if the new road isn't built. He stated that the Technical Review Team (TRT) has reviewed the request and are ok with it. He stated their development and the adjacent development are using the same entrance and splitting the cost. He added they can't get more land for another access. He stated DOT won't allow them to have another entrance because there is not enough room. He stated each development has 600 feet of frontage and 800 feet is needed. Mr. Garnett asked why the other developer was not present. Mr. Johnson stated a final development plan was submitted to the staff for 95 lots for CRW and staff refused to approve it because there is one entrance and there is another development proposed for 62 more lots. Mr. Garnett asked why this was not a waiver. Mr. Johnson stated they were asking the restriction of one access be removed and they were asking the regulations be changed and not just for this development. Mr. Bennie Maffett, Engineer, was present and stated DOT's design was superior for them as there was not enough room for turning lanes. He stated they tried to get an easement from adjacent property and all efforts there failed. There was no one present in the audience to speak in favor or in opposition to the request.

Ms. Vickie Sewell, County Planning Director, was present and stated she recommended approval of the request based on the TRT recommendation. She stated she felt the DOT requirement could severely impact the developers' land. She added the developers tried and can't provide a second entrance. Ms. Sewell stated the reason for a second entrance were for safety and for emergency vehicles to get in and out

of the subdivision. Ms. Sewell stated the State did not know or care about their regulation for two exits. Mr. Edwin Logan, Commission Attorney, asked Ms. Sewell if the entrance was located based on the Transportation Engineering Design. Ms. Sewell stated yes. Mr. Cook asked why they were dealing with only one applicant. Ms. Sewell stated the other applicant was not to that point. She stated she could not morally sign the final plat for 95 lots knowing another was being worked on. She stated she lived in Duckers and they only had one entrance and they had no problems. Mr. Booe was concerned this applicant was asking for a waiver on property he did not own. Mr. Richards stated their only partnership was the entrance and had authority verbally to make this request. He added the attorney was the father of one of the group. Mr. Sanderson stated he had a problem that Mr. Richards had nothing in writing from the other applicant asking for this waiver. Mr. Logan stated they had testimony that they can be here for the other applicant. Ms. Sewell stated Pinewood Development, LLC was the other developer.

A motion was made by Mr. Garnett to approve the request based on testimony that their standards have been met and move to approve for 162 lots to utilize a single entrance. The motion was seconded by Ms. Cross. Those voting in favor: Mr. Garnett, Ms. Cross, Mr. Mason, Mr. Stewart, Mr. Booe. Those voting against: Mr. Cook, Mr. Sanderson. The motion carried 5-2.

The next item of business was a public hearing request from Leroy and Cindy Gipson for approval of a zone map amendment from Rural Residential (RR) to General Commercial (CG) for a 6.58 acre parcel of property located at 555 Bridgeport Road, and known as the former Bridgeport School.

The Secretary stated this was a called public hearing under the authority of K.R.S. 100.213, paragraph 1 to consider a zone map amendment as requested by Leroy and Cindy Gipson.

The Commission is conducting an evidentiary hearing as there will be the taking of sworn testimony, findings of fact based upon substantial evidence and the conclusions supported by those findings.

The Secretary swore in all wishing to speak regarding this matter.

Mr. Charlie Jones was present for the applicants and stated they were in agreement with the staff report and recommendations and had nothing to add. Mr. Jones stated they were in agreement with the land use restrictions.

Ms. Vickie Sewell, County Planning Director, was present and was qualified by Mr. Logan. Ms. Sewell stated she had a VITA on file. She added there was a correction to the staff report. She stated it referred to the Bald Knob School and it should be corrected to say Bridgeport School. Mr. Logan requested the staff report be entered into the record in lieu of additional testimony. The record was entered without objection.

Mr. Jones did say he would like “unless substantially destroyed by fire” to be removed from the restrictions. Ms. Sewell stated she had no problem with that. Mr. Jones stated if the building was gutted by fire they would demolish and not rebuild.

A motion was made by Mr. Garnett to close the public hearing. The motion was seconded by Mr. Cook and carried unanimously.

A motion was made by Mr. Garnett to adopt the corrected staff report in lieu of a summary. The motion was seconded by Mr. Cook and carried unanimously.

A motion was made by Mr. Garnett to adopt findings of fact 1 through four of the staff report. The motion was seconded by Mr. Cook and carried unanimously.

A motion was made by Mr. Garnett to recommend approval of the request to Fiscal Court based on the four findings of fact and the land use restrictions be filed. The motion was seconded by Ms. Cross and carried unanimously.

The next item of business was a public hearing request from Vic Gasperini for a zone amendment from Rural Residential (RR) to Agricultural (AG) for a 200 acre parcel of property located at 8000 Flat Creek Road.

The Secretary stated this was a called public hearing under the authority of K.R.S. 100.213, paragraph 1 to consider a zone map amendment as requested by Vic Gasperini.

The Commission is conducting an evidentiary hearing as there will be the taking of sworn testimony, findings of fact based upon substantial evidence and the conclusions supported by those findings.

The Secretary swore in all wishing to speak regarding this matter.

Mr. Gasperini was present and stated he was in agreement with the staff report.

There was no one present to speak in favor or in opposition to the request.

Ms. Vickie Sewell, County Planner, stated her VITA was on file. She stated her staff report recommended approval of the request and stated it was in agreement with the Comprehensive Plan.

A motion was made by Mr. Garnett close the public hearing. The motion was seconded by Mr. Cook and carried unanimously.

A motion was made by Mr. Garnett to approve the staff report in lieu of a summary. The motion was seconded by Mr. Cook and carried unanimously.

A motion was made by Mr Garnett and adopt findings 1 through 3 of the staff report and that the request was in agreement with the Comprehensive Plan and the request be forwarded to Fiscal Court with a recommendation of approval. The motion was seconded by Ms. Cross and carried unanimously.

The final item of business was a public hearing request for a text amendment from the City of Frankfort Planning Staff requesting approval of a text amendment to Article 4, Section 4.01 Table of Permitted Uses and Section 41.06 Noted Special Conditions of the City of Frankfort's Zoning Ordinance. Specifically, the request is to add the use of mini-warehouse/self-storage as a conditional use to the CL, CG and CH districts with special conditions relating to buffers, setbacks and design.

The Secretary stated this was a called public hearing under the authority of K.R.S. 100.213, paragraph 2 to consider a text amendment as requested by the City of Frankfort Planning Staff.

The Commission is conducting an evidentiary hearing as there will be the taking of sworn testimony, findings of fact based upon substantial evidence and the conclusions supported by those findings.

The Secretary swore in all wishing to speak regarding this matter.

Mr. Gary Muller, City Planning Director, was present and qualified by Mr. Logan. Mr. Muller stated he had a VITA on file. He stated there were no additions or deletions to his prepared staff report. Mr. Logan requested the staff report be filed in lieu of additional testimony. The record was entered without objection.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Garnett to close the public hearing. The motion was seconded by Mr. Mason and carried unanimously.

A motion was made by Mr. Booe to accept the revisions to the text amendment as submitted by the staff in lieu of a summary. The motion was seconded by Mr. Mason and carried unanimously.

A motion was made by Mr. Mason to adjourn. The motion was seconded by Mr. Cook and carried unanimously.

Chairman Darrell Sanderson

Recording Secretary Dianna Rogers